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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/129,448	08/04/1998	RONALD L. MAHANY	14235US01	4521

7590 06/18/2004

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EXAMINER

NGUYEN, TOAN D

ART UNIT	PAPER NUMBER
2665	

DATE MAILED: 06/18/2004

*29*

Please find below and/or attached an Office communication concerning this application or proceeding.

<b>Office Action Summary</b>	Application No.	Applicant(s)	
	09/129,448	MAHANY ET AL.	
	Examiner Toan D Nguyen	Art Unit 2665	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) Responsive to communication(s) filed on 31 March 2004.
- 2a) This action is FINAL.                            2b) This action is non-final.
- 3) Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) Claim(s) 51-75 is/are pending in the application.
  - 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) Claim(s) \_\_\_\_\_ is/are allowed.
- 6) Claim(s) 51,59,62-65 and 73 is/are rejected.
- 7) Claim(s) 52-58,60,61,66-72,74 and 75 is/are objected to.
- 8) Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) The specification is objected to by the Examiner.
- 10) The drawing(s) filed on \_\_\_\_\_ is/are: a) accepted or b) objected to by the Examiner.
 

Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) The proposed drawing correction filed on \_\_\_\_\_ is: a) approved b) disapproved by the Examiner.
 

If approved, corrected drawings are required in reply to this Office action.
- 12) The oath or declaration is objected to by the Examiner.

**Priority under 35 U.S.C. §§ 119 and 120**

- 13) Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
  - a) All    b) Some \*    c) None of:
    1. Certified copies of the priority documents have been received.
    2. Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
    3. Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.
- 14) Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).
  - a) The translation of the foreign language provisional application has been received.
- 15) Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

**Attachment(s)**

1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)	4) <input type="checkbox"/> Interview Summary (PTO-413) Paper No(s). _____
2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)	5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152)
3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449) Paper No(s) _____	6) <input type="checkbox"/> Other: _____

**DETAILED ACTION**

***Claim Rejections - 35 USC § 102***

1. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

2. Claims 51, 59 and 62-64 are rejected under 35 U.S.C. 102(b) as being anticipated by Buhl et al. (US 5,153,902).

For claim 51, Buhl et al. disclose multi-exchange paging system for locating a mobile telephone in a wide area telephone network, comprising:

a plurality of access devices (figure 1, references E1-E4) supporting wireless communications among the plurality of computing devices (figure 1, references M1-M4) (col. 4 lines 41-44);

at least one of said plurality of access devices (figure 1, references E1-E4) delivers data to the roaming terminal device (figure 1, reference M1) (col. 5 lines 38-40); and

the at least one of the plurality of access devices (references E1-E4) selectively stores the delivered data (figure 2, col. 7 lines 10-15) for subsequent delivery of the delivered data to the roaming terminal device (figure 3, col. 7 lines 58-61 and col. 8 lines 10-18).

For claim 59, Buhl et al. disclose wherein the at least one of said plurality of access devices selectively deletes stored data (col. 2 lines 35-42).

For claim 62, Buhl et al. disclose wherein selectively storing the delivered data comprises selectively retaining the delivered data (col. 6 lines 19-27).

For claim 63, Buhl et al. disclose wherein the at least one of the plurality of access devices (figure 1, references E1-E4) selectively stores the delivered data before or after the at least one of said plurality of access devices delivers data to the roaming terminal device (col. 6 lines 27-44).

For claim 64, Buhl et al. disclose wherein delivered data comprises data that is transmitted to and received by the roaming terminal device (figure 3, col. 5 lines 40-43 and col. 8 lines 15-18).

***Claim Rejections - 35 USC § 103***

3. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

4. This application currently names joint inventors. In considering patentability of the claims under 35 U.S.C. 103(a), the examiner presumes that the subject matter of the various claims was commonly owned at the time any inventions covered therein were made absent any evidence to the contrary. Applicant is advised of the obligation under 37 CFR 1.56 to point out the inventor and invention dates of each claim that was not commonly owned at the time a later invention was made in order for the examiner to consider the applicability of 35 U.S.C. 103(c) and potential 35 U.S.C. 102(e), (f) or (g) prior art under 35 U.S.C. 103(a).

5. Claims 65 and 73 are rejected under 35 U.S.C. 103(a) as being unpatentable over Buhl et al. (US 5,153,902) in view of Kunz (US 5,353,340).

For claim 65, Buhl et al. disclose multi-exchange paging system for locating a mobile telephone in a wide area telephone network, comprising:

supporting wireless communications among a plurality of computing devices (figure 1, references M1-M4) via a plurality of access devices (figure 1, references E1-E4), at least one of the plurality of computing devices (references E1-E4) comprising a roaming terminal device (figure 1, reference M1) (col. 4 lines 40-44 and col. 5 lines 19-20);

delivering data to the roaming terminal device via at least one of the plurality of access devices (col. 5 lines 38-40); and

selectively retaining the delivered data (figure 2, col. 6 lines 19-27 and col. 7 lines 10-15) for subsequent delivery of the delivered data to the roaming terminal device via the at least one of the plurality of access devices (references E1-E4) (figure 3, col. 7 lines 58-61 and col. 8 lines 10-18).

However, Buhl et al. do not disclose each of the plurality of computing devices (references M1-M4) comprising a wireless transceiver. In an analogous art, Kunz discloses a computing device comprising a wireless transceiver (Abstract line 2). One skilled in the art would have recognized a wireless transceiver to use the teachings of Kunz in the system of Buhl et al. Therefore, it would have been obvious to one of ordinary skill in the art at the time of the invention, to use the wireless transceiver as taught by Kunz in Buhl et al.'s system with the motivation being to establish the communications with a mobile services switching center (Abstract lines 8-10).

For claim 73, Buhl et al. disclose wherein the at least one of said plurality of access devices selectively deletes stored data (col. 2 lines 35-42).

***Allowable Subject Matter***

6. Claims 52-58, 60-61, 66-72 and 74-75 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

***Response To Arguments***

7. Applicant's arguments filed on March 31, 2004 have been fully considered, but are moot in view of the new ground(s) of rejection.

***Contact Information***

8. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Toan D Nguyen whose telephone number is 703-305-0140. The examiner can normally be reached on Monday- Friday (7:00AM-4:30PM).

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Mr. Huy Vu can be reached on 703-308-6602. The fax phone numbers for the organization where this application or proceeding is assigned are 703-872-9314 for regular communications and 703-872-9314 for After Final communications.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is 703-305-9600.

TN  
T.N.



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